

**Public Hearing Minutes  
of the  
Louisville Metro Air Pollution Control Board  
April 15, 2009**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on April 15, 2009, at 10:00 a.m. in the Board Room of the Louisville Metro Air Pollution Control District (District), 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell.

**General Statement, Rules and Purpose**

The Chairman read the opening announcements, rules and purpose of the Public Hearing, which was to review a proposed Agreed Board Order.

**1. Agreed Board Order with Rohm and Haas**

Ms. Phelps, Enforcement Manager, reviewed a proposed Agreed Board Order alleging that Rohm and Haas Company violated District regulations and its permit, and directing the company to pay an administrative penalty. The company agreed to the terms of the order.

Ms. Phelps stated Rohm and Haas owns and operates a chemical manufacturing facility pursuant to its modified operating permit. On May 29, 2008, and on July 2, 2008, Rohm and Haas had upset events that caused the release of hazardous air pollutants in excess of its permit limitations. On May 29, 2008, the primary and secondary rupture disks on a reactor blew, resulting in the release of 5,900 pounds of butadiene and 25 pounds of styrene into the atmosphere at one time. The company did dispersion modeling which did not indicate any ground level concentrations of butadiene and confirmed there were no elevated offsite or onsite concentrations. The company conducted a root-cause analysis of the disk failure and had identified and completed a large number of corrective actions to address the causes.

On July 2, 2008, the company discovered the contents of a railcar on its property that was reacting and venting into the atmosphere. The company took measures to cool the railcar and attempted to capture the vapors, but approximately 11,000 pounds of methyl methacrylate and 500 pounds of ethyl acrylate were released into the atmosphere over five days. The company conducted a root-cause analysis of the event to study the causes, as well as measures to prevent a reoccurrence of such an accident. The company identified corrective actions to avoid the problem in the future, and has taken additional measures to minimize emissions of hazardous air pollutants until it resumes compliance with its annual permit limits.

Ms. Phelps said the company agreed to a penalty of \$49,500 for both incidents. The majority of the penalty, \$45,000, related to the July 2, 2008 railcar release. The District identified it as a high priority violation and the penalty was based on EPA's penalty policy. The May 29, 2008 release, while serious, was not considered a high priority violation because no federal toxic standards were exceeded.

Ms. Phelps said the District recommended that the Board adopt the Agreed Board Order as proposed.

## **Discussion**

Dr. Al-Shami asked who measured the amount of pollutants released and if both chemicals were hazardous air pollutants. Ms. Phelps said the company estimated the amount of pollutants and also submitted a report to the District with calculations that were reviewed by District staff. Also, she said that both chemicals are hazardous.

Mr. Jacobs asked if this was the first railcar incident at Rohm and Haas. Ms. Phelps stated this was the first incident she was aware of.

Mr. Thomas asked why the initial calculation of 2,100 pounds was less than the actual number of 11,000 pounds emitted. Jana Zigrye, a company representative of Rohm and Haas, said the initial number was calculated approximately 4-6 hours after the event began, and the emissions were recalculated using a more accurate form of measurement several days after the incident.

## **Adjournment**

The public hearing adjourned at 10:11 a.m.

---

Robert W. Powell, M.D.  
Chairman

---

Joseph E. Schweinhart  
Secretary-Treasurer